

SENATE BILL 2106

By Yager

AN ACT to amend Tennessee Code Annotated, Section 12-3-1207, relative to competitive sealed proposals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 12-3-1207, is amended by deleting subsections (f)-(h) and substituting:

(f) Competitive sealed proposals must be opened in a manner that avoids disclosure of the contents to competing respondents during the negotiation. The proposals and all related materials must be open for public inspection after the intent to award the contract to a particular respondent is announced.

(g) The request for competitive sealed proposals must state the relative importance of price and other evaluation factors.

(h) As provided in the request for competitive sealed proposals and in the procurement code, interviews, presentations, demonstrations and discussions, either oral or in writing, or both, may be conducted for clarification to assure full understanding of, and responsiveness to, the solicitation requirements with the one (1) or more responsible respondents who submit proposals determined by the purchasing agent to be reasonably susceptible of being selected. The respondents must be accorded fair and equal treatment with respect to an opportunity for an interview, presentation, demonstration, discussion, or revision of proposals, and revisions may be permitted after submission and before the intent to award to a particular respondent is announced to obtain the best and final offers. In conducting interviews, presentations, demonstrations, or discussions, the purchasing agent and other municipal personnel shall not disclose to

a respondent during the negotiations information derived from proposals submitted by competing respondents.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.